IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 3RD OCTOBER 2007 / 11TH ASWINA 1929

WP(C).No. 26706 of 2007(D)

PETITIONER:

K.S.ANTONY, S/O.SCARIA, AGED 63 YEARS,
KADAMTHOTT HOUSE, PUTHIYANGADI PO.
ANGADIPPURAM, MALAPPURAM DISTRICT.

BY ADV. SRI.C.P.PEETHAMBARAN

RESPONDENTS:

1. **THE TAHSILDAR, (REVENUE RECOVERY),**
   THALASSERY.

2. **THE WELFARE FUND INSPECTOR,**
   TODDY WORKERS WELFARE FUND BOARD,
   KANNUR.

3. **THE DISTRICT COLLECTOR,**
   KANNUR DISTRICT.

BY GOVERNMENT PLEADER SRI.BEJOY CHANDRAN
ADV.SRI.RENIL ANTO (SC)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J

W.P.(C). 26706/2007

Dated this the 3rd day of October, 2007

JUDGMENT

By Ext.P1 order dated 17.10.2005, the Tahasildar in exercise of powers of Section 44(2) of the Revenue Recovery Act held that the assignment effected by one K.T.James, Aralam Amsom Desom, Velimanam, Thalassery Taluk, as regards of one acre 14 cents of land in the Survey No. 279 as per assignment No.2713/01, and 26 cents in the same survey number and sale deed No.2772/01 are in contravention of Section 44(2) of the Act. Therefore, the assignments in favour of the petitioner were held void.

2. Petitioner has right of appeal against Ext.P1 order, but it seems that the petitioner has sought to file Ext.P3 styled as a claim petition before the District Collector on 18.7.2007.

3. After having heard the learned counsel for the petitioner and the learned Standing Counsel for the second respondent, the writ petition is disposed of directing the third respondent to consider and pass

appropriate orders on Ext.P3 treating the same as an appeal against Ext.P1 order, after hearing the petitioner and any other affected person, within a period of three months from the date of receipt of a copy of this judgment. District Collector shall consider whether Ext.P3, if treated as an appeal is within time and if not, appropriate opportunity may be granted to the petitioner to file an application for condonation of delay.

Writ petition is disposed of as above.

V.GIRI
Judge

mrcs